

DEFENDANT NICHOLAS MATTHEW WATSON'S MOTION TO DISMISS PURSUANT TO THE TEXAS CITIZENS PARTICIPATION ACT

TO THE HONORABLE JOHN H. MCBRYDE:

Defendant Nicholas Matthew Watson ("Watson" or "Defendant") files this Motion to Dismiss Plaintiff's defamation claim against Watson pursuant to the Texas Citizens Participation Act, Texas Civil Practice and Remedies Code Chapter 27 (the "TCPA"). Plaintiff's defamation cause of action against Watson is based on, relates to, and is response to Watson's exercise of his right of free speech and right to petition. As a result, Watson is entitled to the protections of the TCPA. Tex. Civ. Prac. & Rem. Code §27.003. Even if Plaintiff can bring forth evidence of a *prima facie* defamation claim, Plaintiff's claim against Watson should be dismissed due to Plaintiff's failure to comply with the Texas Defamation Mitigation Act. *Id.* at §§ 27.006(a), 73.055(a).

For the reasons set forth in the brief in support of this motion to dismiss, Defendant Watson prays that the Court dismiss this case with prejudice and award him court costs, reasonable attorneys' fees, and sanctions, in accordance with the TCPA.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On June 6, 2017, the undersigned attorney filed the foregoing document with the Clerk of Court for the Northern District of Texas and served a true and correct copy of the foregoing via electronic mail to the following counsel of record. Pursuant to the Court's Order (Doc. 24), on June 7, 2017, the undersigned attorney refiled this document with the Clerk of Court for the Northern District of Texas in order to comply with the filing requirements of the Court, and the undersigned counsel and has served a true and correct copy of the foregoing via electronic mail to the following counsel of record:

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